

SCHOOL ELECTION HANDBOOK

**Montana Association of School Business Officials
Montana Office of Public Instruction
Montana Secretary of State**



2015

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NOTE: Forms have been removed from this handbook and are available separately on the MASBO and OPI websites.

<http://www.masbo.com/i4a/pages/index.cfm?pageid=3357>

http://opi.mt.gov/Finance&Grants/schoolfinance/Index.html#gpm1_7

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PURPOSE

This School Election Handbook is intended to assist the election administrator of school elections in the administration and operation of school elections.

Other Resources for Election Information

Election Judges' Handbook

Published by the Montana Secretary of State – Elections Bureau

<http://sos.mt.gov/Elections/Officials/Forms/documents/Election-Judge-Handbook.pdf>

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SECTION I: INTRODUCTION TO SCHOOL ELECTIONS

What is a school election?

A school election is an election conducted by a school district to elect trustees, authorize additional taxation, for the issuance of bonds, or for voting on any other proposition presented to the voters in accordance with law. [20-20-101](#), MCA

When is a school election held?

Regular school elections are held the first Tuesday after the first Monday of May of each year. Trustee elections must be held on the regular school Election Day, except in the event of an “unforeseen emergency”. General Fund Levy elections must be held on the regular school Election Day, except in years in which the legislature meets in regular or special session that affects school funding. In this case the deadline for the election is August 1st. [20-9-353](#) and [20-20-105](#), MCA

Can school elections be held on a different date?

A special election is any election other than a statutorily scheduled primary or general election. Districts may hold special elections for any purpose, and may hold them on the same day as a regular election. For school election purposes, the school board of trustees must call a special election if one is desired. [20-20-105\(2\)](#), MCA

Who is in charge of a school election?

The clerk of the school district is the election administrator of all school district elections under most circumstances. However, by June 1 of each year, the board of trustees may request the county election administrator (usually the county clerk and recorder) conduct certain school district election(s) during the ensuing fiscal year. If the county election administrator accepts the responsibility, the county election administrator will conduct the school elections at district expense. [13-1-101](#), [20-20-401](#), [20-20-417](#), MCA

SECTION II: CANDIDATES FOR TRUSTEE

Who may run for office?

There are restrictions on who may **hold** office. Individuals employed in any capacity by a district may not hold a trustee position in that district. However, relatives of school or county employees may seek and hold a school office. An individual may not run for more than one public office at the same time.

A trustee candidate is required to be a registered voter at the time the nomination petition is filed with the election administrator. [20-9-204](#) and [20-3-305](#), MCA

What are the qualifications for school trustee?

A trustee must: 1) be qualified to vote in a district; and 2) be a resident of the school district (or in a single-member district, a resident of the trustee district for at least one year).

"Qualified to vote" means the person must: 1) be at least 18 years old; 2) be a resident of the state and county for at least 30 days; and 3) A United States citizen. The person must not be: 1) a convicted felon currently serving a sentence in a penal institution; or 2) determined to be of unsound mind by a court of law. [13-1-111](#), [20-3-305](#) and [20-3-338](#), MCA and [Article IV, Sec 4, Montana Constitution](#)

How many positions are open for trustee and what are the terms?

Elementary Districts:

The number of trustees to be elected depends on the size of the school district. For elementary districts, first-class districts (those with a population of 6,500 or more) have seven trustees; second-class districts (with a population greater than 1,000 but less than 6,500) have five trustees, and third-class districts (with a population of less than 1,000) have three trustees. Contact your county superintendent to determine your district's classification.

A second-class district may increase the number of its trustees to seven, if the board of trustees votes to do so, and publishes its actions prior to January 1 in the year of the trustee election. Ten or more qualified electors may petition to reduce the number of trustees from seven to five.

A third-class district may increase the number of its trustees to five, if the board of trustees votes to do so, and publishes its actions prior to January 1 in the year of the trustee election. Ten or more qualified electors may petition the trustees to reduce the size of the board from five to three members. [20-3-341](#) and [20-6-201](#), MCA

High School Districts:

High school districts have the same number of trustees as the elementary district in which the high school building is located (if more than one elementary district where the high school is located, the number of trustees is same as the elementary first constructed). County high schools have seven trustee positions. Additional trustee positions may be created upon resolution from the elementary districts without representation or by petition of the electors to the county superintendent. [20-3-351](#), [20-3-352](#) and [20-3-354](#), MCA

How are candidates placed on the ballot?

Candidates for trustee in elementary first-class districts must file a Petition of Nomination, signed by 20 voters, accompanied by an Affidavit of Signature Gatherer, and an Oath of Candidacy. For candidates in other school districts,

including high school districts, a petition requires just five voters' signatures. The petition must clearly identify the candidate and specify which position is being sought (three-year term, for example). The Petition, Affidavit and Oath must be filed with the election administrator no later than 40 days before the election. [20-3-305](#) and [20-3-344](#), MCA

The county election administrator must review all the signatures on the Nomination Petition to ensure that the signatures are those of qualified electors. It is also advisable to check all of the signatures against the voters' signatures on the voter registration cards. The signature on the petition sheet must be **substantially the same**, but does not have to be identical, to the signature on the voter registration card. For example, if a voter signs with a first and last name, but is registered with a first and last name and middle initial, the signature can still be valid. [13-27-103](#), MCA

Candidates are encouraged to obtain more than the minimum number of signatures required, in case any of the voters signing the petition are disqualified. Signatures may be added to the petition until the filing deadline, but not after.

All candidates that submit a petition prior to the filing deadline (not less than 40 days before the election) will have the candidate's name placed on the ballot, unless a written statement of withdrawal is submitted not less than 38 days before the election. [20-3-305](#), MCA

May trustees run as write-in candidates? In what cases do write-in votes count?

Anyone may run as a write-in candidate, and voters may write-in whomever they please. However, there are some circumstances in which votes *are not counted* for a write-in candidate.

Write-in candidates must file a Declaration of Intent for Write-in Candidates with the election administrator in order to ensure that their votes will be counted. When a county election administrator is conducting the election for a school district, the school district clerk or school district office that receives the Declaration of Intent shall notify the county election administrator of the filing. Votes are *always* counted for candidates who filed in time to appear on the ballot **OR** for write-in candidates who have filed a Declaration of Intent at least 26 days before the election.

Additionally, votes for undeclared write-in candidates (candidates who did not file a Declaration of Intent) will count if:

1. The election is held,
2. The candidate receiving votes is qualified for the office, and
3. No other candidate has filed a Nomination Petition or a Declaration of Intent.

[13-10-211](#), MCA

How are candidates written in?

Candidates may have their names written in on the ballot or may prepare sticker labels to be used on the ballot. Write-in candidates are responsible for distributing the stickers, but the stickers (like any other candidate campaign material) may not be distributed at the polling place. Names of write-in candidates should not be posted at the polling place and should not appear "written in" on sample ballots.

Election judges may respond to voter inquiries about who has filed as a write-in candidate, if asked. [13-35-211](#), MCA

Effective October 1, 2009, when a candidate's name is written in, or if a sticker is used, the voter must still ***manually mark*** the oval, box, or other designated voting area, even if the sticker has a preprinted X or other mark in front of the candidate's name. To avoid voter confusion, only the candidate's name and position sought should be printed on the sticker.

When a candidate's name is written in, a misspelled name or part of the candidate's name may be counted only if the name written in identifies the candidate by one of the designations filed in the candidate's Declaration of Intent. [13-15-206\(5\)](#), [13-10-211](#) and [13-13-117](#), MCA

WRITE-IN		
The chart below illustrates when write-in votes may or may not be counted. (Law does not apply to precinct committee people or federal/military ballots)		
REGULAR CANDIDATE	WRITE-IN CANDIDATES	
Always count all votes cast for any candidate who filed by the deadline and appears on the ballot.	Always count all votes cast for any write-in candidate who filed a Declaration of Intent as a Write-in Candidate (not appearing on the ballot).	Count votes for write-in candidates who did NOT file a Declaration of Intent as a write-in candidate (not appearing on the ballot) ONLY if the election is held, the person is qualified for and seeks election to the office, AND no other candidate has filed a Nomination Petition or Declaration of Intent .
EXAMPLES:		
Candidate A appears on the ballot and receives 10 votes – ALL VOTES ARE COUNTED [WINNER]	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 8 write-in votes – ALL VOTES ARE COUNTED	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 20 write-in votes – NO VOTES ARE COUNTED
Candidate A appears on the ballot and receives 10 votes – ALL VOTES ARE COUNTED	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 110 write-in votes – ALL VOTES ARE COUNTED [WINNER]	No one else receives any write-in votes – NO VOTES ARE COUNTED
Candidate A appears on the ballot and receives 2 votes – ALL VOTES ARE COUNTED [WINNER]	NO CANDIDATE filed a Declaration of Intent – NO VOTES ARE COUNTED	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 25 write-in votes – NO VOTES ARE COUNTED
NO CANDIDATE appears on the ballot – NO VOTES ARE COUNTED	Candidate B does not appear on the ballot, did file a Declaration of Intent and receives 110 write-in votes – All VOTES ARE COUNTED [WINNER]	Candidate C does not appear on the ballot, did NOT file a Declaration of Intent and receives 225 write-in votes – NO VOTES ARE COUNTED
NO CANDIDATE appears on the ballot – NO VOTES ARE COUNTED	NO CANDIDATE filed a Declaration of Intent – NO VOTES ARE COUNTED	ALL VOTES FOR QUALIFIED WRITE-IN CANDIDATES ARE COUNTED <u>IF</u> the election is held. [WINNER]

What happens when a candidate withdraws?

Candidates may withdraw from the election no later than 38 days before the election by submitting a written statement of withdrawal to the clerk of the district that clearly identifies the candidate and the office sought. The statement of withdrawal must be acknowledged by the clerk of the district. [20-3-305](#), MCA

If a candidate withdraws from the election before the last day to file a statement of withdrawal (not less than 38 days before the election) the candidate's name must not be placed on the ballot.

If a candidate fails to withdraw in time (and, therefore, appears on the ballot), it is possible for that candidate to receive the most votes and be elected. The candidate may have a change of mind and decide to accept the position by filing the required Oath of Office. If the candidate does not wish to hold the position to which the candidate was elected, the candidate should not file an Oath of Office. In that case, the remaining trustees should declare the position vacant and fill it by appointment. [20-3-307](#) and [20-3-309](#), MCA

SECTION III: BALLOT ISSUES

What types of issues appear on school ballots?

A. TRUSTEE CANDIDATES

How often are trustee elections held?

Trustee elections are held every year as part of the regular school election.

What is the term of office?

Except for special circumstances, the term of office for trustees is 3 years. [20-3-301](#), MCA

B. GENERAL FUND LEVY REQUESTS

How do you determine how much to ask voters to approve?

In a general fund levy election, the dollar amount voters are asked to approve is the *increase* in the amount needed for the Over-BASE tax levy from the previous year. This amount can be determined using OPI's General Fund Budget Overview and Worksheets located at:

http://www.opi.mt.gov/pdf/SchoolFinance/Budget/FY14_15GenFundBudgetOverviewWorksheetsv5.pdf.

What should the language on a mill levy election ballot look like?

State law requires certain components be included on the ballot for mill levy elections. In the 2007 legislative session, the durational limit was added to the list of requirements. The following ballot language includes all of the required components and is *suggested* for general fund mill levy elections. [15-10-425](#), MCA

Shall the district be authorized to impose an increase in local taxes to support the general fund in the amount of \$_____which is approximately _____mills for the purpose of _____? Passage of this proposal will increase the taxes on a home with a market value of \$100,000 by approximately \$ _____and on a home with a market value of \$200,000 by approximately \$ _____. The durational limit of the levy is permanent once approved by the voters, assuming the district levies that amount at least once in the next five years.

What is a permissive levy?

A permissive levy is any tax that a government may impose without first obtaining voter approval. The general fund BASE mill levy is one example of a local permissive tax levy. The BASE mill levy is calculated by taking the BASE budget and subtracting all non-tax revenue sources that will be available to the district, including state funding, non-levy revenues such as oil and gas production revenues, and fund balance from the previous year that may be reappropriated to fund the ensuing year's BASE budget.

Districts may also impose permissive levies for their transportation, bus depreciation, tuition, retirement, and adult education funds. Consult the [School Accounting Manual](#) for further information on these funds.

C. BOND ISSUES**What are bonds issued for?**

School bonds are issued for purchasing land or buildings, making changes to existing land or buildings, obtaining a water supply, purchasing school buses, providing funds to redeem existing bonds, for the issuance of refunding bonds, financing a judgment against the district (including protested taxes), and funding a debt service reserve account for oil and natural gas revenue bonds or impact aid revenue bonds. [20-9-403](#), MCA

How do you determine how much to ask voters to approve?

The amount a district may request in a bond issue is limited by law. Contact the OPI for assistance in determining the amount that may be requested.

How are bond issues passed?

If a school district bond election is held at a regular school election, or special election called by the trustees, the bond issue is subject to the following:

- a) 40% or more of the qualified electors cast a ballot in the election – the proposition must be approved by a majority of the votes; *or*
- b) More than 30%, but less than 40%, of the qualified electors cast a ballot in the election – the proposition must be approved by 60% or more of the votes; *or*
- c) 30% or less of the qualified electors cast a ballot in the election – the proposition fails.

If a school district bond election is held at a general election, by mail ballot, or at a special election that is held in conjunction with a regular or primary election, the determination of approval or rejection is made by a majority of the votes cast.

[20-9-428](#), MCA

D. OTHER ISSUES

What other issues appear on a school ballot?

Other issues that may appear on the ballot include district consolidation/annexation, creation of a joint district, dissolution of a joint district, county high school unification, opening an approved junior high school (applies to county high school districts only), joint interstate school agreements, specific transfers from one budgeted fund to another. See [SECTION IX: OTHER SCHOOL ELECTIONS](#) for more details on these ballot issues.

SECTION IV: VOTERS IN SCHOOL ELECTIONS

Who may vote in a school election?

Any individual who meets the statutory qualifications of [13-1-111](#), MCA and is a resident of the school district is entitled to vote in a school district election.

The person must be: 1) registered to vote as required by law; 2) at least 18 years of age; 3) a resident of the state and county for at least 30 days before the date of the election; and 4) a United States citizen. Persons who are currently 17 years old, but will be 18 years old on or before Election Day may register to vote by the deadline and will be permitted to vote at the polls on Election Day. If the election is for a single-member district, the person must be a resident of that district. [13-1-111](#), MCA

The person must not be: 1) a convicted felon currently serving a sentence in a penal institution; or 2) determined to be of unsound mind for purposes of voting by a court of law.

[20-20-301](#), MCA and [Article IV, Sec 4, Montana Constitution](#)

Individuals wanting to vote in the school election must register or file a change of address, if registered in another school district, with the county election administrator (usually the clerk and recorder) no later than 30 days before the election. Electors who change residence to a different county 30 days or less before an election may vote in person or by absentee or mail ballot in the precinct and county where previously registered. [20-20-311](#), [13-2-512](#) and [13-2-514](#), MCA

If an inactive elector reactivates after the ballots are mailed, the elector should be provided with or mailed a ballot. If the elector reactivates after noon on the day before Election Day, the elector must come in to the election administrator's office on Election Day to receive a ballot.

The county election administrator shall cancel the voter registration of any inactivated voter who later fails to vote in two consecutive federal general elections. [13-2-402](#), MCA

Are voters in school elections required to show ID before voting?

The identification requirements of federal and state law will not apply to school elections conducted by school election administrators. If the county conducts the school election on behalf of the school, the election administrator should contact the county attorney for advice on whether identification will be required at that election. [20-20-301](#), MCA

What is the deadline for registration in school elections? Is there late registration?

Registration for school elections closes 30 days prior to Election Day. Late registration does not apply to a school election. [20-20-311](#) and [13-2-304](#), MCA

What if a voter cannot make it to the polls on Election Day?

Voters may vote by absentee ballot. Voters may apply to the election administrator for an absentee ballot prior to the election. Absentee ballots are made available 20 days before the election (30 days before a bond election held at a time other than the regular Election Day). Voters wishing to use absentee ballots must apply for an absentee ballot by noon the day before the election. Absentee ballots must be received before the polls close on Election Day to be counted. According to [13-13-212](#), MCA, if a voter has a sudden health emergency or illness occurring between 5:00 p.m. on the Friday preceding the election and noon on Election Day, the elector may apply for an emergency illness ballot, by phone or in writing, and a ballot must be delivered to the elector by a special board of election judges. [Title 13, Chapter 13, Part 2](#), MCA

How does biennial absentee ballot registration work for school district elections?

Montana law allows electors to request to receive an absentee ballot for each subsequent election (including school elections), provided the elector remains at the same address and remains qualified to vote. Each county will maintain its own list.

County election administrators must send an address confirmation form to electors on the list in January of every odd-numbered year. Applications to request an absentee ballot are available on the Secretary of State's website at

<http://sos.mt.gov/elections/Officials/Forms/documents/Application-for-Absentee-Ballot.pdf>.

Applications for the biennial absentee list will affect all elections held in the county--not just school elections. Contact your county election administrator to determine procedures specific to your county. [13-13-212](#), MCA

In polling place elections, following receipt of the list of biennial absentee electors from the county election administrator, the district should send a complete absentee voter package to the voter. As always, electors who receive an absentee ballot are not permitted to vote in person at an election, except if the elector's absentee or mail ballot was destroyed, lost, spoiled or not received. In this circumstance, the elector must vote a provisional ballot that can be resolved on election night by determining whether or not the absentee or mail ballot has been returned as voted. [13-13-204](#), MCA

What is an inactive voter and how do they become reactivated?

An inactive voter is an elector whose name has been placed on an inactive list due to failing to respond to confirmation mailings after not voting in 2 consecutive federal general elections. To be reactivated, inactive electors must:

1. Appear to vote or request an absentee ballot in any election,
2. Change his or her address with the county election administrator, or
3. Complete a new voter registration form with the county election administrator.

An elector reactivated in accordance with (1) above is a legally registered elector for purposes of the election in which the elector voted. [13-2-222](#), MCA

What if a voter believes another voter is unqualified to vote?

Any voter may challenge another voter on or before Election Day if the voter believes the other person is not qualified to vote. Grounds for challenges include: 1) The elector is of unsound mind, as determined by a court; 2) the elector has previously voted in this election; 3) the elector is a convicted felon serving a sentence in a penal institution; 4) the elector is not registered as required by law; 5) the elector is not 18 years of age or older; 6) the elector has not been, for at least 30 days, a resident of the county (or district) in which the elector is offering to vote; 7) the elector is provisionally registered

and the status has not been changed to a legally registered voter; or 8) the elector does not meet another requirement provided in the constitution or by law. Challenged voters may cast a regular ballot if the clerk determines that the challenge is insufficient, otherwise they must vote a provisional ballot. [13-13-301](#) and [20-20-303](#), MCA

What are provisional ballots and how are they handled?

Provisional ballots are ballots cast by voters whose eligibility has not been verified in accordance with law. Similarly, provisionally registered electors are individuals whose voter registration application was accepted but whose identification or eligibility has not yet been verified. For provisional ballots cast in person, the elector must:

1. Receive written instructions on provisional voting;
2. Complete a provisional ballot outer envelope confirming eligibility;
3. Provide additional information prove eligibility as requested; *and*
4. Return his or her ballot to the election judge for special handling.

Election administrators receiving provisionally-voted ballots must notify the electors about the process for provisional voting.

If these steps are followed and the voter proves his or her eligibility to the satisfaction of the election judge or election administrator, the voter's ballot must be counted. Electors who cast a provisional ballot have until 5 p.m. on the day following the election to provide the information necessary to verify their eligibility. Delivery of information may be made in person, via fax or email, or by regular mail postmarked the day after the election and received by 3 p.m. on the 6th day following the election.

If the election administrator determines that the elector is not eligible to vote, the elector's vote should not be counted. All voters who cast a provisional ballot must be informed as to whether or not their vote counted. If their vote did not count, they must also be given an explanation of why the vote did not count. [13-13-114](#), [13-13-601](#) and [13-15-107](#), MCA

SECTION V: ELECTION JUDGES

How are election judges obtained?

The school trustees, or if so requested, the county election administrator, must appoint election judges (at least three judges per polling place) when they issue the call for the election. Often the county election administrator will provide the names of trained and experienced election judges who may be hired. The judges at each polling place choose a clerk of election judges from among themselves. [20-20-203](#) and [20-20-402](#), MCA

What are the qualifications of and restrictions on election judges?

Election judges must be registered voters in the county and district in which they serve. In the 2009 Legislative Session, legislation was added requiring that school election judges must meet the training and certification requirements in Title 13. If individuals who have not been trained by the county election administrator are appointed to serve as school election judges, the school clerk should ensure that they receive the training required in Title 13. No election judge may be a candidate or candidate's spouse, ascendant or descendant, brother or sister of a candidate or candidate's spouse, or the spouse of any of these in an election precinct where the candidate's name appears on the ballot (see chart below). [13-4-107](#) and [20-20-109](#), MCA

It is not unlawful for an election judge to be a campaign treasurer or manager or a more distant relative of any candidate. However, it is preferable not to use election judges whose role or judgment might be questioned. If such a person must be used as an election judge, it is wise to ensure that the election judge always has witnesses present when handling ballots or other election materials. A sitting trustee may not serve as an election judge, since trustees hire the election judges. [20-9-204](#), MCA

Are election judges paid?

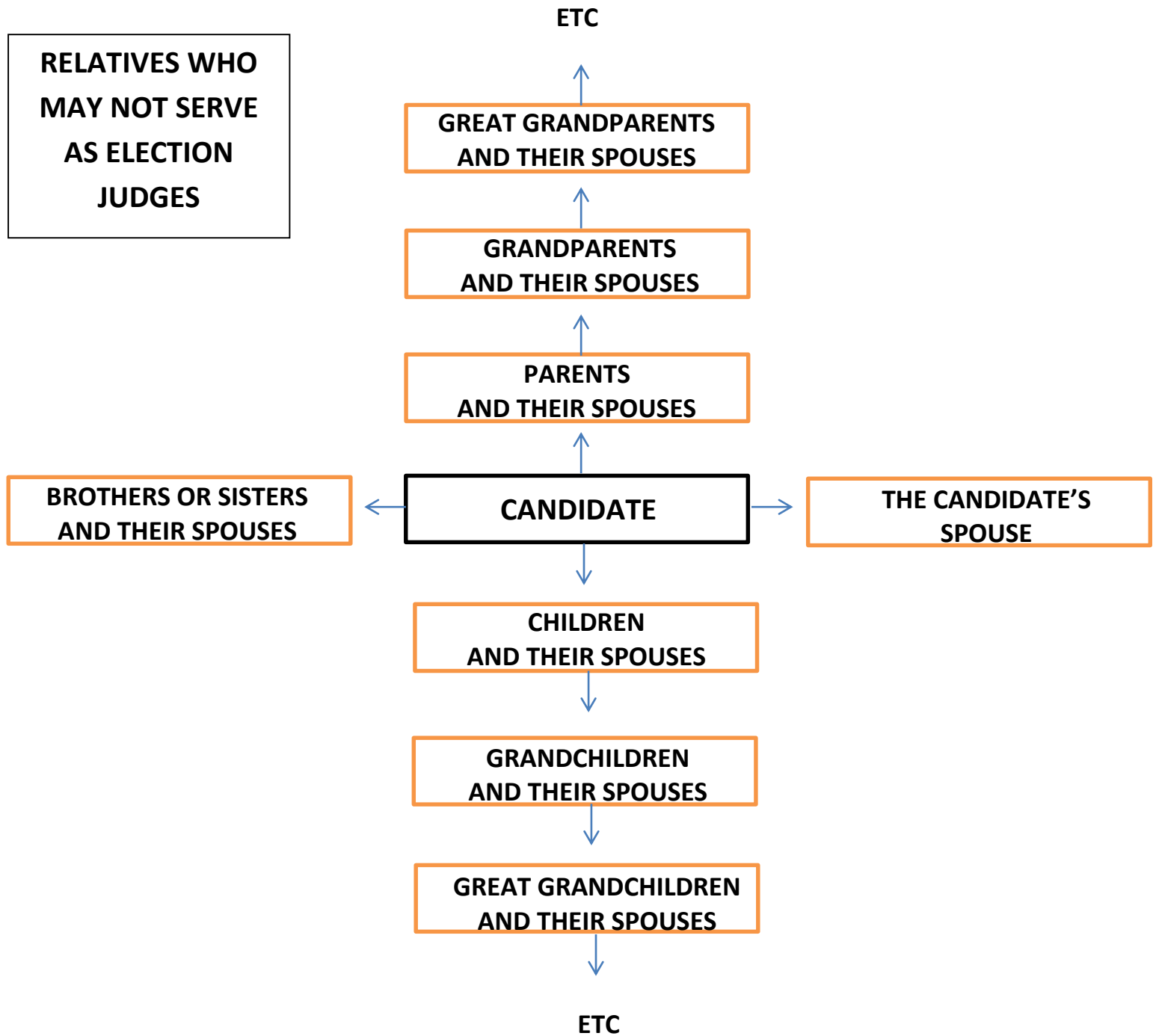
Yes. Judges must be paid *at least* the greater of the state or federal minimum wage rate for the time spent working during an election, and the hours required to attend training. Districts should set up judges as regular employees and deduct the applicable taxes from their paychecks. [20-20-107](#), MCA

Can election judges be excluded from unemployment insurance and TB tests?

Yes. If the payment they receive is less than \$1,000 in a calendar year, election judges are exempt from unemployment insurance coverage. Judges do not need to take the TB tests generally required of district employees. [13-4-106](#) and [20-20-107](#), MCA and [ARM 37.114.1010 \(10\)\(b\)](#)

What if an election judge does not appear on Election Day?

An election cannot be administered without three election judges. If an election judge does not appear on Election Day, the electors present may appoint a qualified elector to act as election judge. Though not prohibited by law, it is not recommended that the election administrator serve as an election judge. [20-20-402](#), MCA



SECTION VI: ELECTION PROCEDURES

What is required to certify a ballot?

“Certifying the ballot” means the ballot must be in its final form to be delivered to the election administrator, if that is a person other than the clerk. Changes to the ballot are not permitted after the ballot has been certified (at least 25 days before the election). No forms are required to verify the certification.

The election administrator prepares the form of the ballot, complete with proper names of all candidates, official wording of ballot propositions, and levy amounts. The certified ballot is the document used by the printer to prepare the ballots. Components of ballot certification are:

Candidates

Candidates' names must be listed alphabetically by surname on the ballot. Name rotation is not required for school elections. Names must be printed *exactly* as on the candidate's filing petition. If more than one office is being filled, the office with the longest term should be on the top of the ballot, followed by the next longest term and so on. [13-12-205](#), [20-3-306](#), [20-20-104](#) and [20-20-401](#), MCA

All candidates (including write-in candidates) for trustee positions in first-class districts located in counties with populations of 15,000 or more **OR** in county high school districts with student enrollments of 2,000 or more **AND** contributions received (including personal funds), or expenditures made, exceed \$500, must report their campaign finance activities to the Montana Commissioner of Political Practices (MCP) before their names can appear on the ballot. Contact your county superintendent to determine if these regulations apply to your district. Current candidate forms are available at <http://politicalpractices.mt.gov/default.mcp>. Districts to which these regulations apply should receive notice and a packet of information from the MCP by the end of January. If an affected district does NOT receive this information, the election administrator should contact the MCP at (406) 444-2942. [13-37-206](#), MCA

Ballot propositions

Propositions must be printed on the ballot with the *exact* wording of the proposition as provided by state statute, if applicable. If ballot language is specified by law or by board resolution, the wording may be developed using language from a similar issue whose language is provided, obtained from another district, or from sample ballots on the OPI Election Resources webpage. [20-9-353](#) and [20-9-426](#), MCA

Trustees may propose to adopt an increase in the general fund over-BASE levy amount from the previous year. The ballot must include certain components specified by law. Sample ballots are available at:

http://opi.mt.gov/Finance&Grants/schoolfinance/Index.html?gpm=1_7&apm=1_6.

[20-9-353](#) and [15-10-425](#), MCA

Bond Issues

Bond issues must be printed on ballots separate from other propositions. Additionally, whenever bonds for more than one purpose are to be voted at the same election, separate ballots must be prepared for each purpose. Bond election ballots must be substantially the same as that provided in law. [20-9-426](#), MCA

OFFICIAL BALLOT SCHOOL DISTRICT BOND ELECTION

INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the words "BONDS--YES" if you wish to vote for the bond issue; if you are opposed to the bond issue, make an X or similar mark in the square before the words "BONDS--NO".

Shall the board of trustees be authorized to issue and sell (state type of bonds here: general obligation, oil and natural gas revenue, oil and natural gas revenue for which a tax deficiency is pledged, or impact aid revenue) bonds of this school district in the amount of _____ dollars (\$ _____), payable semiannually, during a period not more than _____ years, for the purpose of _____
(state the purpose the same way as in the notice of election)?

_____ BONDS – YES

_____ BONDS - NO

How are the ballots printed?

The election administrator is responsible for providing a sufficient number of ballots for the number of registered voters. Each ballot must be sequentially numbered, by precinct, on a perforated stub. Mail ballots are NOT required to have stubs. Before giving a ballot to a voter, the ballot must be marked with the words "Official Ballot". [13-13-116](#) and [13-19-106](#), MCA

Check and double-check ballot information BEFORE the ballots are printed and again before ballots are mailed or issued at the polls.

May a district cancel an election after it has been posted?

After an election is posted, the district may cancel it only:

- 1) In case of a governor-declared emergency. In this event, the trustees must reschedule the election as soon as convenient after the emergency concludes. [20-20-108](#), MCA
- 2) If the number of candidates filing a Nomination Petitions or a Declaration of Intent to be a write-in candidate are less than or equal to the number of open trustee positions. This provision was amended during the 2009 Legislative session. In this event, trustees may cancel the trustee election and declare the candidates elected by acclamation. If there were no candidates, the trustees should appoint someone pursuant to [20-3-308](#), MCA.

To declare an election by acclamation, trustees and the election administrator must give notice that the election will not be held. This notice must be given no later than 25 days before the election. Because the deadline for write-in candidates is the 26th day before the election, districts have only **ONE DAY** to give this notice. Therefore, districts should plan for the possibility of declaring an election by acclamation. Trustees can schedule a meeting for the evening of the 26th day before the election to pass the necessary measure (Notice of Election Cancellation).

Trustees may include a provision in the Resolution Calling for an Election, allowing the election administrator to cancel the trustee portion of the election, contingent on the number of candidates not exceeding the number of available positions. A general fund levy election is considered a separate election, so a district may cancel the trustee portion of the election by acclamation and still run a general fund levy election. [20-3-313](#) and [13-10-211\(3\)](#), MCA

- 3) If the trustees later determine that a levy proposition is not necessary, the district may cancel a levy election any time before election day – even after the election administrator has certified the ballot.

If the election is cancelled, either before or after ballots have been ordered by the county election administrator, the school district may incur costs associated with the cancelled election. It is important for the school clerk to work closely with the county election administrator to avoid incurring costs that might otherwise be avoided. [20-20-401](#) and [13-1-301](#), MCA

What should be done if an election is canceled or not necessary?

If the trustees determine that a scheduled election is not necessary, and they take action to cancel the election, the trustees must immediately notify the election administrator in writing. If the election is not necessary because of the number of candidates filed, the election administrator would be the one notifying the trustees instead. [13-1-304](#), MCA

Although not required by law, districts should also consider posting a public notice to correct or amend any previously posted election notices.

What polling places should be used?

If a school election is not being held in conjunction with any other election, the board of trustees may set up polling places in any appropriate place in the district, using the same polling places used for the general election whenever possible. There should be one polling place per district, unless the trustees establish additional places. If more than one polling place is established in the district, the trustees must establish the boundary lines of each place, using the county precinct lines. If the polling places are different from the polling places used in the previous school election, that fact must be included in the trustees' resolution calling for the election. [20-20-203](#), MCA

When should the polls be opened and closed?

The trustees will set the opening of the polls in their resolution. The polls must be open no later than noon, although the polls may be opened as early as 7:00 a.m. The polls must close at 8:00 p.m., or earlier if *all* registered voters have voted. [20-20-106](#), MCA

What candidate activities are forbidden or permitted on Election Day?

The law prohibits electioneering by anyone on Election Day within a polling place or a building where an election is taking place or within 100 feet of a polling place entrance. Further, the law indicates typical kinds of campaign devices (buttons, badges, and the like) that are not permitted at or around the polls on Election Day. Beyond the materials listed in the law, election officials at any polling place should ask for the removal of any item that, in their judgment, may tend to aid the success or defeat of any candidate or issue being voted upon at the election. [13-35-211](#), MCA

Candidates, their spouses, or any of their supporters may remain in a polling place for any length of time they wish for the purpose of monitoring the progress of the election. They may not engage in any activity, however, that could be considered electioneering; nor may they interfere in any other way with the election process.

Any concerns about campaign practice or electioneering should be directed to:

Commissioner of Political Practices
PO Box 202401
Helena, MT 59620-2401
Telephone: (406) 444-2942
Fax: (406) 444-1643

Who counts the ballots?

The election judges tally the ballots, unless a voting machine or device is used. Election judges should begin the count as soon as the polls close. The count must be open to public observation. Ballots may be counted earlier in the day if a sequestered counting board performs the counting. Upon completion of the tally, election judges should complete election return forms giving the election results. (See Tally Sheet – Trustee Election, Tally Sheet – Proposition, or Judges’ Return Sheet: http://opi.mt.gov/Finance&Grants/schoolfinance/Index.html#gpm1_7). The ballot counting process is open to observers, but if counting begins before the polls close, any observers must be sequestered with the counting board.

One sheet should be posted at the “return” place, and the other sheet should be returned to the election administrator. The voted ballots should be sealed in an envelope marked “ballots voted”. Unused ballots should be sealed in a separate envelope. The precinct register, pollbook, tally sheets and list of challenged voters, if any, should be sealed in another envelope and presented, unopened, to the school trustees to be canvassed. Each election judge should sign his or her name across the seal of all envelopes. [13-15-112](#), [13-15-101](#) and [13-15-207](#), MCA

How are absentee ballots prepared for counting?

The election administrator must compare the signature of the elector or elector’s agent on the absentee ballot request or on the elector’s voter registration card with the signature on the absentee signature envelope. The clerk should work in conjunction with the county election administrator to ensure that signatures on all absentee signature envelopes are verified before the envelopes are opened.

Absentee ballots may be prepared for counting the day before Election Day pursuant to [13-13-214\(9\)](#), MCA and ARM [44.3.2204](#). Absentee ballots may not be counted until Election Day.

What is canvassing the vote?

Canvassing means to review the tally sheets, poll books, or registers for any potential error, and then to certify the results. Canvassing does not include opening sealed envelopes of tallied ballots and recounting them. The school trustees must canvass the vote at the first regular or special meeting after the election. Canvassed results must be published once in a newspaper that will give notice to the largest number of people of the district. [20-20-415](#), [20-20-416](#), [13-15-201](#), [13-15-204](#), [13-15-205](#), [13-15-301](#), [13-15-402](#) and [13-15-403](#), MCA

Note: Provisional ballot issues must be resolved before the canvas may be completed. Electors have until 5pm the day following the election to provide information to verify their eligibility. However, if the information is sent to the election administrator via regular mail, the elector’s ballot may be received as late as 3pm on the 6th day after following the election, so long as the postmark date is one day after the election.

How is the election outcome determined? What is required of the newly elected trustees?

A proposition is approved by a majority of the votes cast in the election. When a proposition passes, the trustees certify the additional amount of financing authorized by the special election on the budget form and submit the form to the county superintendent. A district may choose to levy less than the voted amount, but may not levy more. The county commissioners will levy the necessary number of mills on the taxable value of property within the district to raise the money as authorized by the voters. [20-9-141](#) and [20-9-353](#), MCA

In trustee elections, the individual receiving the highest number of votes for the office is elected to that office. After the canvass is completed and the election is certified, the trustees issue certificates of election designating the terms of office. Trustees must send a copy of the certificate to each candidate and the county superintendent. Certificates specifying the outcome of propositions should be issued within 15 days to the body that called the election. The Certificate of Election is found on the OPI Election Resources webpage at

http://opi.mt.gov/pdf/SchoolFinance/ElecHB/Admin/Certificate_TrusteeElection.pdf

The newly elected trustees must file the accompanying Oath of Office with the county superintendent within 15 days of receiving the certificate. The oath must be sworn before the county superintendent of schools, or before any official noted in [1-6-101](#), MCA. When the election was called by a trustee resolution, the election results must be published immediately in a newspaper that will give notice to the greatest number of people in the district. [1-6-101](#), [2-16-116](#), [13-1-103](#), [20-3-205\(1\)\(b\)](#), [20-3-307](#) and [20-20-416](#), MCA

A certificate of election that specifies the outcome of a proposition must be issued to the official or public body that ordered the election (e.g., the county superintendent) within 15 days after the election. [20-20-416](#), MCA

How long must the clerk or county election administrator retain election materials?

The voted ballots, detached stubs, un-voted ballots and unused ballots must be kept in their **unopened** packages for 12 months, or until any court case involving that election has been resolved, whichever period is longer. After the end of the retention period, those materials may be destroyed, still in their unopened packages. [13-1-303](#), MCA

The Secretary of State's retention schedule for other election materials is:

- Pollbooks, registers, tally sheets – 4 years
- Election results ("Abstracts") – Permanent (as part of the board's minutes, or in a separate book)
- All other records must be kept at least one year

The complete school district record retention schedule is available at:

http://sos.mt.gov/Records/forms/local/Local_Schedule7.pdf

What happens in the case of a tie in a school election?

If a tie is certified to the election administrator, a recount is automatically conducted. After a recount, if the result of the election is still a tie, the board of trustees will appoint one of the candidates to fill the vacancy until the next regular school election is held (one year). However, Montana law does not specify how the appointment should be made or which board members should participate in the appointment. For this reason, it is recommended that tied trustee elections--especially ones involving an incumbent candidate--be resolved randomly, such as by drawing lots. Legal precedence for this method exists. [13-16-501](#), MCA

This method should minimize political pressures and, accordingly, chances for a lawsuit. [20-20-418](#), [13-16-203](#), [20-20-420](#), MCA

When is a recount appropriate?

If a candidate or ballot question is defeated by a margin not exceeding one-quarter of one percent of the total votes cast for all the candidates or all the votes cast for or against the ballot question, or 10 votes, whichever is greater, a recount is appropriate. A petition must be filed by the unsuccessful candidate or by at least 10 electors of the jurisdiction. Also, if, during the canvass, the board of trustees finds an error that affects the accuracy of the vote totals in the election's returns, the trustees may immediately file a petition with the election administrator requesting a recount. Since the recount must be open to the public and the candidates must be given the opportunity to be present, a recount should not be held the same day as the canvass.

How is a recount performed?

The board chair must appoint a 3-member "recount board" from the trustees. If one of the candidates for whom the recount is being conducted is an incumbent, that individual may NOT serve on the recount board. The election administrator then provides the unopened package of ballots to the recount board. Upon receipt, the recount board must open, count, and reseal the ballots. The recount board should then compare the recounted totals to the original count totals and determine a winner. Although the recount must be public, the district may limit the number of individuals present to prevent interference. [13-16-307](#), [13-16-412](#), [13-16-415](#), [13-16-417](#) and [20-20-420](#), MCA

What happens if someone wants to challenge the results of the election?

Districts should NOT give legal advice to anyone wishing to challenge election results. Instead, refer these individuals to the county attorney. If you receive notice or believe that your election will be challenged, contact your school's attorney for legal guidance.

SECTION VII: SCHOOL ELECTION CALENDAR

Montana law provides a specific timeline for all elections. The calendar is provided as an appendix to this handbook. The dates provided are either the **first or the final day** to accomplish the task being mentioned. Read the text (or the statute cited) to determine the proper action, if uncertain.

The regular school election is held annually on the first Tuesday after the first Monday in May. Districts **MUST** conduct trustee and general fund levy elections on this day, except as provided in [20-9-353](#), MCA. Other issues requiring voter approval can be presented at this election or on another date specified by the board of trustees. [SECTION IX: OTHER SCHOOL ELECTIONS](#) of this handbook contains more detailed information on this topic. [20-3-304](#) and [20-20-105](#), MCA

What happens when a deadline date falls on a weekend or holiday?

The deadline date can legally be extended to the next regular business day unless the deadline is phrased "No later than the _____ day before" in which case the deadline must be backed up. [1-1-307](#), MCA

SECTION VIII: MAIL BALLOT ELECTIONS

When may a mail ballot election be held?

A mail ballot election may be the best option when seeking to improve turnout. Use of the mail ballot procedure is entirely optional and within the discretion of the affected jurisdiction and election administrator. [13-19-101](#), [13-19-104](#), [13-19-106](#) and [13-19-206](#), MCA

When may a mail election NOT be conducted?

A school district may conduct an election by mail ballot except as prohibited by law.

An election by mail ballot is not an option when the election is a regularly scheduled or special election **AND** another election in the political subdivision is taking place *at the polls* on the same day. [13-19-104](#), MCA

The trustee election held on the regular school Election Day may be held by mail ballot unless another election is being held in the district and *at the polls* the same day as the trustee election.

How is a mail ballot election started?

The election administrator or the school trustees may initiate a mail ballot election. The trustees may ask the election administrator to conduct a mail ballot election by passing a resolution, at least 70 days before the election. The election administrator may choose to hold or not hold an election by mail. Once the election administrator decides to conduct a mail ballot election, a written plan and timetable (see *Prescribed Written Plan for Mail Ballot Elections*) must be completed and submitted to the Secretary of State so that it is **received** at least 60 days prior to the election for approval.

For the purpose of mail ballot elections, each election (e.g., trustee, general fund levy) is considered a separate election and a separate mail ballot plan and timetable must be submitted for each.

[13-19-201](#), [13-19-202](#), [13-19-203](#), [13-19-204](#) and [13-19-205](#), MCA

Is a mail ballot election conducted any differently than a regular election?

Mail ballot elections are conducted under regular election law. Obviously, there are a number of steps needed for a regular election (using polls and regular election judges, for example) that are not needed for a mail ballot election. Similarly, there are some additional provisions for conducting mail ballot elections that are not needed for regular elections.

For instruction, an election administrator should thoroughly read [Chapter 13, Title 19, MCA](#) and the ARM dealing with mail ballot elections ([ARM 44.9.101](#) through [44.9.405](#)). Additional assistance is available from the Secretary of State Elections and Government Services Division.

How does the election administrator prepare for a mail ballot election?

Election administrators begin the process for a mail election by preparing a written plan, including a timetable and instructions, for the conduct of the election and submitting it to the secretary of state so that it is **received** in their office at least 60 days prior to the date set for the election. The election administrator may amend the plan any time prior to the 35th day before Election Day by notifying the secretary of state in writing of any changes. Within five days of receiving the plan, and as soon as possible after receiving any amendments, the secretary of state shall approve, disapprove or recommend changes to the plan or amendments.

When the written plan has been approved, the election administrator shall proceed to conduct the election according to the approved plan. [13-19-205](#), MCA

What are the procedures involved with a mail ballot election?

Official ballots must be prepared and all other initial procedures followed as otherwise provided by law and administrative rule, except that mail ballots are not required to have stubs. An official ballot must be mailed to every active qualified elector and

provisionally registered elector of the political subdivision conducting the election. Schools do not need to send ballots to inactive electors unless a reactivating elector specifically requests a ballot.

The elector shall mark the ballot at home and place it in a secrecy envelope. The elector shall then place the secrecy envelope containing his/her ballot in a signature envelope and shall return it by mail or deliver it to a place of deposit designated by the election administrator so that the ballot is received prior to 8:00 p.m. on Election Day.

Once returned, election officials shall first qualify the submitted ballot by examining the signature envelope to determine whether it was submitted by a qualified elector who has not previously voted, and shall verify the signature. If the ballot so qualifies and is otherwise valid, officials shall then open the signature envelope and remove the secrecy envelope, which is then voted by depositing it, unopened, into an official ballot box.

Voted ballots must be counted and canvassed as otherwise provided by law. Ballots may be counted before the polls close, if done by a sequestered counting board. The ballot counting process is open to observers, but if counting begins before the polls close, any observers must be sequestered with the counting board. The election administrator must compare the signature of the elector or elector's agent on the absentee ballot request or on the elector's voter registration card with the signature on the mail ballot signature envelope. The clerk should work in conjunction with the county election administrator to ensure that signatures on all mail ballot signature envelopes are verified before the envelopes are opened. [13-19-106](#), MCA

What materials are needed to conduct a mail ballot election?

A single packet of materials must be mailed to every qualified active elector of the political subdivision conducting the election. Each packet will contain:

- An official ballot;
- A secrecy envelope;
- A signature envelope;
- A form prescribed by the secretary of state for the elector to verify the accuracy of the elector's mailing address or notify the election administrator of the elector's correct address; **and**
- Complete written instructions for voting and returning ballots.

If the elector is provisionally registered, the packet must contain instructions on what additional item(s) the elector must return in the mail ballot signature envelope in order to verify the elector's identification number and/or eligibility information.

The election administrator must also ensure that each packet is:

- Addressed to a single individual elector at the most current address available from the official registration records;
- Non-forwardable; **and**

- Deposited in the United States mail with sufficient prepaid postage for it to be delivered to the elector's address.

[13-19-206](#), MCA

Do mail ballots meet the requirements for bulk mail?

Using bulk mail for mail ballot elections may be an additional cost savings for the district. Contact your local post office for further information and instructions.

SECTION IX: OTHER SCHOOL ELECTIONS

What is a "special election?"

A special election is any election other than a statutorily scheduled primary or general election. Districts may hold special elections for any purpose and may hold them on the same day as a regular election. For school election purposes, the school board of trustees must call a special election, if one is desired. In contrast, a "regular election" is an election held for the election of public officers throughout the state at times specified by law. The May trustee election is always classified as a "regular" election.

House Bill 206, passed in the 2007 legislative session, requires the ballots for school district elections subject to [15-10-425](#), MCA to state either the amount of money and approximate mills to be raised by the levy or the specific number of mills and the approximate amount of money to be raised. The ballot must also state whether the levy is permanent or the duration of the levy.

What are some reasons for holding a special school election?

General Fund Financing

Although General Fund financing elections meet the definition of a "special election," General Fund levy elections may be held ONLY on the regular school Election Day, the first Tuesday after the first Monday in May. House Bill 225, passed in the 2007 legislative session allows trustees, in years where the legislature meets that affects school funding, to order an alternate date for the general fund levy election. For complete information on general fund budgeting, including the difference between permissive and voted levies, please refer to the OPI's website at http://www.opi.mt.gov/Finance&Grants/schoolfinance/Index.html#gpm1_5.

[20-20-105](#), MCA

Building Reserve

A successful building reserve election authorizes the school district to levy and accumulate money for a building project or capital improvements. The proposition specifies a certain sum of money to be levied in equal annual amounts over a specific number of years, up to 20 years.

A building reserve levy can be used to finance future construction, equipping, or enlarging of school buildings. It may also be used to purchase land needed for school purposes or for funding school transition costs as provided in [20-9-502\(5\)](#), MCA. A levy for school transitions costs for a district opening a new school, closing a school or replacing a school building is limited to a period not to exceed 6 years. A levy for school transition costs for consolidation or annexation is limited to a period not to exceed 3 years. Its use is dependent upon what has been expressed in the trustee resolution calling the election and what is stated in the ballot proposition. Requirements for a building reserve levy are listed in [20-9-502](#) and [15-10-425](#), MCA

To pass, the proposition must be approved by a majority of votes cast in the election. [20-9-502](#) and [15-10-425](#), MCA

Technology Acquisition and Depreciation Fund

In addition to the state funds received pursuant to [20-9-533\(2\)](#), MCA, the trustees of a school district may submit a proposition to the qualified electors of the district to approve an additional levy to fund the purchase of technological equipment and other technology related items. The election must be called and conducted in the manner prescribed by Title 20 for school elections and in the manner prescribed by [15-10-425](#) and [20-9-533](#), MCA.

The 2013 Legislature changed the nature of the technology levy. Effective July 1, 2013, in addition to the cost of technological equipment, districts may now levy for cloud computing services for technology, infrastructure, platform, software, network, storage, security, data, database, test environment, curriculum, or desktop virtualization purposes, including any subscription or any license-based or pay-per-use service. If a new levy is approved, the amount the district is allowed to levy each year is limited to the amount approved by the voters. The length of any new levy passed may not exceed 10 years.

If a district seeks a new or additional levy any technology levies approved prior to July 2013 are subject to the 10 year limitation, if approved by the voters. If the new levy fails the old levies continue as originally written and the district must continue to track historical cost, the annual allowed levy amount and the overall levy limit under the previous law. [20-9-533](#), MCA

District Consolidation/Annexation

Consolidation occurs when two or more districts join to form a new district. Annexation occurs when a smaller district attaches to the boundaries of and becomes part of an existing district.

The boards of trustees of each district involved must jointly decide to consolidate or annex a district (with or without the bonded indebtedness of each district involved), then petition the county superintendent through a resolution to order an election. Within 10 days of receipt of the petition, the county superintendent shall order the trustees to call an election. [20-6-423](#), MCA

- If Consolidation is approved by the voters in both districts, within 10 days of receipt of the election certificate issued by the district trustees the county superintendent will order consolidation, effective July 1 of the ensuing school fiscal year (except for those time limitations detailed under [20-6-202](#) and [20-6-314](#), MCA). The county superintendent will establish an interim board of trustees for the consolidated district who will serve until the next regular school election. [20-6-423](#), MCA
- If Annexation is approved by the voters in both districts, within 10 days of receipt of the election certificate issued by the district trustees the county superintendent will order annexation to occur, effective July 1 of the ensuing school fiscal year. If the annexation was passed with the assumption of bonded indebtedness, the annexation order will include the total taxable valuation of the annexed territory that the annexing district will assume. [20-6-422](#), MCA

Creation of a Joint District

A proposition is passed by a majority of voters in each of two or more districts whose land is contiguous and located in more than one county. The county superintendents of the counties involved will jointly perform the duties required for consolidation and annexation of districts. A hearing process is used when territory is transferred from one district to another or when a new district is created. [20-6-308](#), MCA

Dissolution of a Joint District

A petition must first be signed by a majority of the electors residing in the territory of the joint district and be delivered to the county superintendent to place the proposition on a ballot. The election passes if either: 1) a majority of joint district electors vote in favor of the dissolution during an election for that purpose; or 2) two-thirds of the electors voting at one of the elections held in a county's portion of the joint district vote in favor of the dissolution and the county superintendents involved agree that the dissolution will not place an undue hardship on any other county's portion. [20-6-704](#), MCA

County High School Unification

A county high school may be unified with an elementary district where the county high school building is located to establish a unified school system under a unified school board. [20-6-312](#), MCA

Following the voters' approval of the unified district, the county superintendent creates the boundaries of the unified high school district. The part of the high school district that is not located within the unified elementary district then can come forward and request representation on the unified board for high school matters. If no request for representation is made, then the board operates with only trustees elected from the area where the elementary district was located. This continues until the county superintendent orders otherwise. [20-3-352](#) and [20-3-353](#), MCA

Opening a Junior High School when the High School District Operates a County High School

When joint boards of trustees, with representatives from the elementary district and the high school district operating a county high school, resolve to open a junior high school they offer the proposition to the voters of the district. If the proposition is approved by a majority of the voters, the trustees apply to the superintendent of public instruction for approval to open a junior high school. [20-6-505](#), MCA

Joint Interstate School Agreements

Interstate school agreements between a district and a contiguous (edging) state for any purpose approved by the trustees of the district and the superintendent of public instruction may be entered into after the contract has been approved by the electors of that district. The wording of the ballot must be in substantially the same form shown in the law. [20-9-705](#), MCA

Transfers from a Budgeted Fund to another Budgeted Fund

Fund transfers between budgeted funds is allowed, except that funds approved by the voters or funds raised by non-voted levies cannot be transferred unless the transfer is directly related to the purposes for which the funds were raised **OR** the transfer is approved by the qualified electors of the district in an election called for the purpose of approving the transfer, in which case the fund may be spent for the purpose approved on the ballot. [20-9-208](#), MCA

School Flexibility Fund

In addition to state flexibility payments under [20-9-542](#), MCA, trustees may ask voters to approve a levy for purposes listed in [20-9-543](#), MCA. A flexibility fund levy is an annual levy. [20-9-544](#), MCA

Is a school election necessary if a school district wants to acquire real property?

Voter approval is required for school district acquisition of real property unless:

- The electors have already authorized a bonding issue or approved an additional levy for building, purchasing or acquiring a site or building, or
- The district has available funds and the site has been approved by the voters.

No site approval election is required if the site is contiguous to an existing site currently in use for school purposes. A site approval election is also not necessary when the site was specifically identified during an election that approved an additional levy or issued bonds for its purchase. [20-6-603](#) and [20-6-621](#), MCA

SECTION X: GLOSSARY OF TERMS AND PROCEDURES

Absentee Ballot: A ballot for qualified electors who choose not to vote at the polls.

ARM: Administrative Rules of Montana

Ballot: A piece of paper listing one or more candidates and offices sought, and possibly containing ballot issues or propositions, upon which a voter marks the elector's choice either by making a physical mark or using a mechanical device to designate a choice.

Ballot issue: A proposal submitted to the electors for their approval or rejection.

Certificate of Election: After canvassing votes, the results of the election are formally issued to:

- If a trustee election, to both the trustee and the county superintendent, designating the term of the trustee position that was just elected.
- If an election for a proposition, a certificate specifying the outcome to the official or public body which ordered the election.

If the election was ordered by trustee resolution, canvassed votes shall be published immediately in a newspaper that will give notice to the largest number of people in the district.

County Election Administrator: County clerk and recorder or individual designated by a county governing body to be responsible for all the election administration duties.

Elections: See regular, general, special and primary elections.

Election Administrator: School district clerk for school elections that are administered by the local board of trustees. If requested by the district, the county election administrator may be the election administrator for school elections.

Election by Acclamation: Declaration by the trustees under [20-3-313, MCA](#) to issue a certificate of election without holding an election. Used when the number of trustee candidates is equal to or less than the number of available trustee positions.

Election Clerk: The chief Election Judge – an appointee from among the election judges.

Election Judge: A trustee-appointed registered voter.

Electors: Qualified voters.

General Election: An election held throughout the state every year on the 1st Tuesday after the 1st Monday of November. This election is for the purpose of electing statewide, county and city office holders and considering other ballot issues.

Issue (or Ballot Issue): A proposal submitted to the electors for their approval or rejection.

Mail Ballot Election: Any election that involves either candidates or ballot issues and is conducted by mail in compliance with the procedure specified in [13-19-102](#) and [13-19-106](#), MCA.

MCA: Montana Code Annotated

Official Election Oath: Per Montana Constitution, Art. III, Section 3, the oath required for trustees and election judges: "I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office with fidelity (so help me God)."

Political Subdivision: A county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election. A school district is only considered a political subdivision for the purpose of mail ballot elections.

Polling Site: The place where a registered voter casts the elector's ballot.

Precinct: An election district of a city or town.

Precinct Register: An alphabetical list of names and addresses of the registered electors with a space for the signature of the elector and such other information prescribed by the secretary of state.

Primary Election: An election held throughout the state to nominate candidates for public office. Held on the first Tuesday after the first Monday in June in even-numbered years or held on the Tuesday following the second Monday in September in odd-numbered years.

Proposition: A proposal or ballot issue.

Provisional ballots: Ballots cast by voters whose eligibility has not been verified in accordance with law.

Public Office: A state, county, municipal, school or other district office that is filled by a vote of the electors in an election.

Regular School Election: An annual election held on the first Tuesday after the first Monday in May.

Referendum: The principle or practice of submitting to popular vote a measure passed on or proposed by a legislative body or by popular initiative.

Registrar: The county election administrator and any regularly appointed deputy or assistant election administrator.

Signature Envelope: an envelope used for mail ballot elections and absentee ballots that contains a secrecy envelope and ballot designed to:

- Allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is, in fact, a qualified elector and who has not already voted; **AND**
- Allow it to be used in the United States mail.

Secrecy Envelope: An envelope used to contain the elector's ballot and that is designed to conceal the elector's vote and to prevent the elector's ballot from being distinguished from the ballots of other electors.

Special Election: An election other than a statutorily scheduled primary or general election. A special election can be held at any time, for any purpose provided by law.

Ward: A division of a city or town for administrative and representative purposes.